

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue application of:)
)
Mikio Ogusu, Kazunobu Fujiwara, and)
Kei Tanaka)
)
Reissue Application Serial No: Unassigned)
Reissue Application Filing Date:)
)
)
Original Patent No. 5,602,811)
Issued: February 11, 1997)
)
For: MUSICAL INFORMATION RECORDING)
AND REPRODUCING TECHNIQUE FOR)
USE WITH A RECORDING MEDIUM)
HAVING A UTOC AREA)
_____)

DECLARATION OF MIKIO OGUSU, KAZUNOBU FUJIWARA, AND KEI TANAKA
FOR REISSUE APPLICATION
UNDER 37 C.F.R § 1.175

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

We, MIKIO OGUSU, KAZUNOBU FUJIWARA, and KEI TANAKA, the
undersigned, declare:

1. That we are citizens of Japan and that our residence and post office
addresses are as stated below our signatures to this Declaration.

2. That we are named inventors of U.S. Patent No. 5,602,811 entitled
MUSICAL INFORMATION RECORDING AND REPRODUCING TECHNIQUE FOR

USE WITH A RECORDING MEDIUM HAVING A UTOC AREA (the '811 patent), which issued on February 11, 1997 from U.S. application serial No. 08/510,377, filed August 2, 1995.

3. That we verily believe that we are the original, first, and joint inventors of the invention entitled MUSICAL INFORMATION RECORDING AND REPRODUCING TECHNIQUE FOR USE WITH A RECORDING MEDIUM HAVING A UTOC AREA, described and claimed in the above-identified '811 patent and in the specification thereof, and for which invention we solicit a reissue patent; that we have reviewed and understand the contents of said patent and said specification, including the original claims and the new claims added in the reissue application; that we believe we are the first, original and joint inventors of the subject matter that is claimed and for which a patent is sought; that we do not know and do not believe the same was ever known or used in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof, or more than one year prior to the application for said patent; that same was not in public use or on sale in the United States of America more than one year prior to the application for said patent; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of application for said patent in any country foreign to the United States of America on an application filed by ourselves or by our legal representatives or assigns more than twelve months prior to the application for said patent; and that we acknowledge our duty to disclose information of which we are aware and that is material to the examination of this application.

4. That we verily believe original U.S. Patent No. 5,602,811 to be, through

09247895-021099

error and without any deceptive intent, wholly or partly inoperative or invalid by reason of our claiming, in certain respects, less than we had a right to claim in the original patent. Specifically, we now believe that we had the right to claim in the original patent not only claims 1-3, which are present in the issued patent, but also new claims 4 and 5 included in this reissue application. For example, we now believe that we had the right to claim in the original patent a claim, in the form of claim 2 of the original patent, not including the specific limitation of performing an arithmetic operation in the measure number calculation means. Furthermore, we now believe that we had the right to claim in the original patent a claim, in the form of claim 3 of the original patent, not including the specific limitation of performing an arithmetic operation in the measure start address calculation means.

5. That we verily believe that we are entitled to make these new claims 4 and 5 as they are fully supported by the original disclosure of our U.S. application that resulted in the '811 patent, and that new claims 4 and 5 add no new matter.

6. That we verily believe that all errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention.

7. We acknowledge the duty to disclose to the U.S. Patent Office all information known to be material to patentability as defined in 37 C.F.R. § 1.56.

8. We hereby declare that all statements made hereof of our own knowledge are true and that all statements made on information and belief are believed by us to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATED: January 28, 1999

Mikio Ogusu
MIKIO OGUSU

RESIDENCE: Hamamatsu
JAPAN

POST OFFICE: c/o YAMAHA
CORPORATION
10-1, Nakazawa-cho
Hamamatsu-shi,
Shizuoka-ken
JAPAN

DATED: January 28, 1999

Kazunobu Fujiwara
KAZUNOBU FUJIWARA

RESIDENCE: Hamamatsu
JAPAN

POST OFFICE: c/o YAMAHA
CORPORATION
10-1, Nakazawa-cho
Hamamatsu-shi,
Shizuoka-ken
JAPAN

DATED: Jan. 27, 1999

Kei Tanaka
KEI TANAKA

RESIDENCE: Hamamatsu
JAPAN

POST OFFICE: c/o YAMAHA
CORPORATION
10-1, Nakazawa-cho
Hamamatsu-shi,
Shizuoka-ken
JAPAN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue application of:) Prior Art Unit: 2516
) Prior Examiner: M. EDUN
Mikio Ogusu, Kazunobu Fujiwara, and)
Kei Tanaka)
)
Reissue Application Serial No: Unassigned)
Reissue Application Filing Date:)
)
)
Original Patent No. 5,602,811)
Issued: February 11, 1997)
)
For: MUSICAL INFORMATION RECORDING)
AND REPRODUCING TECHNIQUE FOR)
USE WITH A RECORDING MEDIUM)
HAVING A UTOC AREA)
_____)

REISSUE APPLICATION BY THE ASSIGNEE,
ASSENT OF ASSIGNEE TO REISSUE,
AND OFFER TO SURRENDER ORIGINAL PATENT

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

YAMAHA CORPORATION possesses sole interest in the above-identified reissue application by an assignment previously submitted in the application for the original patent. YAMAHA CORPORATION has reviewed the executed assignment and to the best of its knowledge and belief, title to the above identified invention and reissue application resides in YAMAHA CORPORATION. The evidentiary document supporting this knowledge and belief, as required by 37 C.F.R. §.3-73(b), is the executed

092485-021099

Assignment document. This Assignment was recorded at Reel 7516, Frames 0744-45, as indicated by the NOTICE OF RECORDATION OF ASSIGNMENT dated August 2, 1995 in the application for the original patent. The assignee of the accompanying reissue application hereby applies for the reissue of Letters Patent No. 5,602,811 entitled MUSICAL INFORMATION RECORDING AND REPRODUCING MEDIUM HAVING A UTOC AREA granted to Mikio Ogusu, Kazunobu Fujiwara, and Kei Tanaka on February 11, 1997 of which YAMAHA CORPORATION is now the sole owner by assignment, and hereby offers to surrender said Letters Patent and assents to the accompanying reissue application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed by me to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Filed herewith is a Request for Transfer of Drawings from the original patent for use in this application.

DATED: February 2, 1999

YAMAHA CORPORATION


Name: Hirokazu Kato
Title: Director
for YAMAHA CORPORATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue application of:) Prior Art Unit: 2516
) Prior Examiner: M. EDUN
Mikio Ogusu, Kazunobu Fujiwara, and)
Kei Tanaka)
)
Reissue Application Serial No: Unassigned)
Reissue Application Filing Date:)
)
)
Original Patent No. 5,602,811)
Issued: February 11, 1997)
)
For: MUSICAL INFORMATION RECORDING)
AND REPRODUCING TECHNIQUE FOR)
USE WITH A RECORDING MEDIUM)
HAVING A UTOC AREA)
_____)

POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR UNDER 37 C.F.R. § 3.71

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned is a representative authorized to sign on behalf of the assignee of the entire interest of the above-identified application, **YAMAHA CORPORATION**, and hereby appoints:

Paul N. Kokulis, Reg. No. 16,773; Raymond F. Lippitt, Reg. No. 17,519; G. Lloyd Knight, Reg. No. 17,698; George M. Sirilla, Reg. No. 18,221; Carl G. Love, Reg. No. 18,781; Kevin E. Joyce, Reg. No. 20,508; Edgar H. Martin, Reg. No. 20,534; David W. Brinkman, Reg. No. 20,817; Jay M. Finkelstein, Reg. No. 21,082; William K. West, Jr., Reg. No. 22,057; Edward M. Prince, Reg. No. 22,429; G. Paul Edgell, Reg. No. 24,238; Donald J. Bird, Reg. No. 25,323; Peter W. Gowdey, Reg. No. 25,872; W. Warren Taltavull, Reg. No. 26,647; Richard H. Zaitlen, Reg. No. 27,248; Glenn J. Perry, Reg. No. 28,458; Dale S. Lazar, Reg. No. 28,872; Kendrew H. Colton, Reg. No. 30,368; Mark G. Paulson, Reg. No. 30,793; Barry L. Grossman, Reg. No. 30,844; John P. Moran, Reg. No. 30,906; Paul E. White, Jr., Reg. No. 31,097; Roger R. Wise, Reg. No. 31,204; Stephen C. Glazier, Reg. No. 31,361; Paul F. McQuade, Reg. No. 31,542; Jeffrey A. Simenauer, Reg. No. 31,933; Michelle N. Lester, Reg. No. 32,331; David A. Jakopin, Reg. No. 32,995; Timothy J. Klima, Reg. No. 34,852; Lynn E. Eccleston, Reg. No. 35,861; Paul G. Nagy, Reg. No. 37,896; Peter J. Gluck, Reg. No. 38,022; Steven W. Smyrski, Reg. No. 38,312; Richard K. Yoon, Reg. No. 42,247; Eric S. Chen, Reg. No. P-43,542; Vivian S. Shin, Reg. No. P-43,919 and

51270-245579

all of the firm of PILLSBURY MADISON & SUTRO LLP as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

YAMAHA CORPORATION, is the owner of the entire right, title and interest in and to U.S. Patent No. 5,602,811 (and therefore this reissue application) by virtue of an Assignment recorded at Reel 7616, Frames 0744-45 in the records of the U.S. Patent Office. **YAMAHA CORPORATION**, per 37 C.F.R. §3.73(b), certifies that the evidentiary documents with respect to its ownership have been reviewed and that to the best of the undersign's knowledge and belief, title is in the assignee seeking this action.

Please direct all telephone calls to **Roger R. Wise** at (213) 488-7100 and all correspondence relative to said application to the following address:

Roger R. Wise
PILLSBURY MADISON & SUTRO LLP
725 South Figueroa Street, Suite 1200
Los Angeles, CA 90017-5443

ASSIGNEE: **YAMAHA CORPORATION**

Date: February 2, 1999

Signature: 

Title:

Director

Address:

10-1, Nakazawa-cho, Hamamatsu-shi
Shizuoka-ken, 430-8650 JAPAN

660720" 56824260